

EXHIBIT "D"

14

16

1 JOE MICHULSKI

2 Q. I think -- there is no secret here. I
3 believe Ms. Burgos testified it was June 2006.

4 A. Okay.

5 Q. But we'll use that as a control date.

6 A. Okay.

7 Q. It's not essential.

8 What was the reason that -- do you
9 know why Ms. Burgos was brought into your group?

10 A. She was more of a payroll person. We
11 needed a more solid leader in that department. I
12 am not a payroll person. I filled a void in the
13 transition for the direct reporting aspect of it.
14 You know, the payroll had reported to different
15 people within the organization, and at that time,
16 it was me. We were also going through a payroll
17 software transition, required a lot of additional
18 time. I didn't have that time or the expertise to
19 do it.

20 So Regina was brought in because she
21 had that experience of running a payroll
22 department and she, I believe, had experience
23 working with the same software that we're
24 currently running today. So she was a much better
25 fit. We needed that person in that position.

15

1 JOE MICHULSKI

2 Q. Okay. Was Ms. -- did you ever
3 consider Ms. Bauza for that position?

4 A. No, we did not.

5 Q. Now, there came a point when Ms. Bauza
6 went out on disability leave, right?

7 A. Yes.

8 Q. What was your understanding as to the
9 reason for going out on leave?

10 A. She had cancer.

11 Q. Did she tell you that?

12 A. Yes.

13 Q. Do you recall when she told you that?

14 A. It was before she went out on leave.

15 Q. Right.

16 A. I don't recall exactly when.

17 Q. Prior to Ms. Burgos being hired by
18 Mediacom, who would be the person responsible for
19 reviewing Aetna's payment records to Mediacom
20 employees for disability insurance benefits?

21 A. I did.

22 Q. Okay. And how long did you perform
23 that function?

24 A. Six months, approximately.

25 Q. Okay. Why only six months?

1 JOE MICHULSKI

2 A. I didn't have the payroll function
3 reporting to me that long.

4 Q. Okay. During that six months, had you
5 ever uncovered any errors made by Aetna in paying
6 disability payments to employees?

7 A. I did not uncover any, no.

8 Q. Did they ever notify you and say they
9 uncovered an error?

10 A. Yes.

11 Q. How many times did that occur?

12 A. A couple of times.

13 Q. Can you discuss those two times?

14 A. There were instances in which
15 employees were receiving more compensation than
16 they should have.

17 Q. Now, how did Mediacom handle that
18 situation?

19 A. I'm trying to think, because that
20 happened early on. It wasn't a large number. I
21 think it was a few hundred dollars, and I believe
22 we had the employee return the money, I think.

23 Q. Who would have knowledge of that
24 information?

25 A. I'm not sure. We could probably go

17

1 JOE MICHULSKI

2 back through some statements or -- to recall that.

3 MR. CUTRO: Just mark this part
4 in the transcript. We'll talk about this
5 later. I thought we had an outstanding
6 request that would cover that, but we'll
7 talk about it later.

9 DOCUMENT/INFORMATION REQUESTED

11 Q. Do you know if either of those two
12 instances that the employees had notified Mediacom
13 of the error before it was uncovered by Aetna?

14 A. I don't know.

15 Q. Do you know if any disciplinary action
16 was taken against those employees?

17 A. I don't know.

18 Q. In what year do you think these
19 incidents occurred?

20 A. Probably the end of 2005 or beginning
21 of 2006.

22 Q. And you don't recall the names of
23 these employees?

24 A. No.

25 Q. Do you recall what departments they

26

1 **JOE MICHULSKI**
 2 side of the story, what was said to her that
 3 required her to reply to those allegations? Who
 4 said what to her?
 5 A. Judy had informed her that they were
 6 going to terminate her employment. So she was
 7 giving her side of the story.
 8 **Q. Did Ms. Mills give an explanation for**
 9 **the reason for the termination?**
 10 A. It was due to the overpayments that
 11 she received and didn't inform anybody of it.
 12 **Q. And you are saying Ms. Bauza responded**
 13 **to that statement, those statements?**
 14 A. Yes.
 15 **Q. What was Ms. Bauza's response?**
 16 A. That she had contacted Aetna. She had
 17 notified them that she was -- she was receiving
 18 too much money regarding her disability and that
 19 it didn't seem fair that she was being let go for
 20 something like that.
 21 **Q. Anyone else say anything after that?**
 22 A. I don't recall exactly what Judy may
 23 have said regarding that.
 24 **Q. Did Ms. Burgos say anything at that**
 25 **meeting?**

27

1 **JOE MICHULSKI**
 2 A. I can't recall if she did. It was --
 3 no, I can't recall what Regina may have said.
 4 **Q. Did you say anything at that meeting?**
 5 A. I don't believe so.
 6 **Q. Prior to walking into that meeting,**
 7 **did you have any knowledge of the subject matter**
 8 **of that meeting?**
 9 A. I did, yeah. I knew what it was
 10 about.
 11 **Q. How did you know?**
 12 A. Judy had told me.
 13 **Q. When did she tell you?**
 14 A. Just before the meeting.
 15 **Q. Day before or five minutes before?**
 16 A. It was the day of, half hour, 15
 17 minutes.
 18 **Q. What did she tell you, Ms. Mills?**
 19 A. She just asked me to be part of the
 20 meeting, that they were going to terminate Miriam.
 21 **Q. Did you say anything to her in**
 22 **response to that?**
 23 A. I just went to the meeting.
 24 **Q. Ms. Bauza did work for you, right?**
 25 **Reported to you, right?**

28

1 **JOE MICHULSKI**
 2 A. Yeah. Not at that time though.
 3 **Q. But she was in your group, though,**
 4 **right? She was down the chain, but wasn't she**
 5 **still in your group, or no?**
 6 A. No, she did not report -- we were
 7 trying to transition her into something other than
 8 payroll. So she indirectly reported to me, but
 9 there was never anything official done.
 10 **Q. Now, Mediacom did not ask for your**
 11 **input in the decision to terminate Ms. Bauza?**
 12 A. No.
 13 **Q. Were you -- so just prior to that**
 14 **meeting is when you learned Mediacom was going to**
 15 **terminate her?**
 16 A. Yes.
 17 **Q. Did you learn anything else prior to**
 18 **that meeting about that impending meeting with Ms.**
 19 **Bauza where she was going to be terminated?**
 20 **MR. RIOLO: Objection to form.**
 21 You can answer.
 22 A. Can you say that again, please.
 23 **Q. Sure. You testified Ms. Mills let you**
 24 **know that they were going to terminate Ms. Bauza**
 25 **in a meeting that you were going to be attending,**

29

1 **JOE MICHULSKI**
 2 right?
 3 A. Yes.
 4 **Q. Let me ask you this, why do you think**
 5 **you were asked to come to that meeting if Ms.**
 6 **Bauza was not reporting to you?**
 7 A. Probably because of the indirect
 8 relationship, because we were starting to
 9 transition some responsibilities that fell under
 10 me to her.
 11 **Q. Besides that conversation that you**
 12 **just testified to with Ms. Mills prior to walking**
 13 **into that meeting where you claim Ms. Bauza was**
 14 **terminated, did anyone else share with you any**
 15 **information regarding Ms. Bauza or her impending**
 16 **termination?**
 17 A. No.
 18 **Q. So you learned some of this**
 19 **information at that meeting with Ms. Bauza**
 20 **present?**
 21 A. Yes.
 22 **Q. Anything else said at that meeting**
 23 **that you recall?**
 24 A. No.
 25 **Q. Did Ms. Bauza claim that she had tried**